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MAY 22 2008

OFFICE OF PETITIONS

In re Application of :
Takiguchi et al. :
Application No. 09/845,960 : DECISION ON
Filed: May 1, 2001 : PETITION
Atty Docket No. 00862.001336.1:

This is a decision on the PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT DUE TO NON-RECEIPT OF OFFICE ACTION filed January 29, 2008.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed February 23, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under §1.136(a). No reply timely filed and no extension of time obtainable, the application became abandoned effective May 24, 2007. A courtesy Notice of Abandonment was mailed on January 8, 2008.

Applicants filed the instant petition, asserting that the Office action was never received and requesting that the holding of abandonment be withdrawn.

A review of the application file reveals an irregularity in the mailing of the Office action mailed February 23, 2007. Even though the Office action was addressed to the correspondence address of record, the mailing was returned to the Office as undeliverable as addressed. (It is specifically noted that there is no issue of a change of the correspondence address of record).

In addition, the petition includes a statement from the practitioner stating that the Office communication was not received by the practitioner and citing the irregularity in the mailing as evidenced by the returned mail present in the image file wrapper. The practitioner offers a copy of the relevant docket records. Given the irregularity in the mailing, it is concluded that petitioner has made an adequate showing of non-receipt.

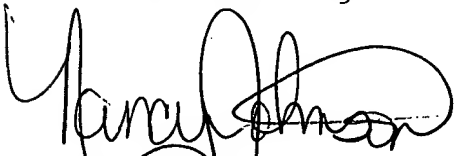
In view thereof, the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2628 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the non-final Office action mailed February 23, 2007 and for restarting of the period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions